

SOCIAL SECURITY, SOCIAL JUSTICE AND HUMAN RIGHTS IN INDIA: AN OVERVIEW

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Abstract: - Social Security being a dynamic subject can not be put in rigid limit as it differs from time to time and country to country. Given the scope of social security, it is considered as an indispensable part of national programmes of all developed and developing countries to hit at the roof of poverty unemployment, epidemic and disease. Social security enables the incapable persons of old age, sickness etc. who are unable to earn anything for their livelihood, to be covered under welfare schemes and is considered essential for workers with the development of idea of welfare state. It almost covers all sections of society in its wider meaning.

I INTRODUCTION

Primarily social security meant as security of income up to a minimum, but the provision of an income should be associated with treatment designed to bring the barriers in the way of earning to an end at the earliest. The International Labour organization defines social security as: The security that the society furnishes through appropriate are exposed. In India, the National Commission on Labour defines 'Social Security' as: If envisages that the members of a community shall be protected by collective action against social risks causing undue hardship and privation to individuals whose prime resources can seldom be adequate to meet them.

Categorization of Social Security legislation in India:

Broadly, the social security's legislation may be put in five categories which are mentioned as under.

1. Legislation modifying the common law :

Some earlier legislations, like Fatal Accident Act, 1855, Employer's Liability Act. Provide remedy for the benefit of wife, husband, parent and child, if any of the deceased in the manner provided therein. These Acts modified the common law to a great extent. In 1951, Employer's Liability Act, 1938 was amended and it provided that certain defense of common employment shall not be raised in suits for damages in respect of injuries sustained by workman.

2. Acts providing for quasi-social insurance :

Employee's Compensation Act, 1923 comes under this group. It provides for payment of compensation to the dependents of the deceased workman who dies owing to personal injury caused by accident arising out of and in the course of employment. The Act also provides provision of Compensation payable to workman in partial and total disablement due to injury arising out of and in the course of employment.

3. Legislation providing for Unemployment benefits:

The Industrial Disputes Act, 1947 provides for compensation payable in case of involuntary unemployment because of the

reason of lay-off and retrenchment. The Act further provides for compensation in case of closure of undertaking and subsequent unemployment of industrial workers.

4. Legislations providing for retirement benefits:

Employees provident Fund and Miscellaneous provisions Act, 1952, coal mines provident Fund and Bonus Scheme Act, 1948, Employees deposit Linked Insurance Scheme, 1976 and Seamen's provident Fund Act, 1966 are examples of legislation falling under this category.

The Concept of Social Security, according to the National Commissions on Labour is based on ideas of human dignity and social justice. The underlying idea behind social security measures is that a citizen who has contributed or is to contribute to country's welfare is to be provided with protection against certain impediments of life or as a consequence of it. These impediments may be economic or even social. In other words, social security insures a person against economic distress resulting from various contingencies and assures him minimum level of living consistent with the nation's capacity to pay.

Social Justice:

As view by Justice K. Ramaswamy

'Social justice' is an integral part of justice in the generic sense. Justice is the genus, of which social justice is one of its species. Social justice is a dynamic devise to mitigate the sufferings of the poor, weak, delits, tribals and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of person. Social justice is not a simple or single idea of a society but is an essential part of complex social change to relieve the poor etc. from hardship, penury to ward off distress and to make their life livable, for greater good of the society at large. In other words, the aims of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation and constitutional goal. In a developing society like ours, steeped with unbridgeable and ever widening gaps of inequality in status and

of opportunity, law is a catalyst, Rubicon to the poor etc. to reach the ladder of social justice.

Air India Statutory Corpn V. United Labour Union (1997) 9 SCC 377 : AIR 1997 SC 645

Since social justice is a part of the scheme of justice itself, the special measures granted to every citizen for their orderly growth and development of personality, shall neither be disproportionate nor arbitrary. Infact social justice denotes to providing of special privileges and advantages to vulnerable sections of society so that they can have better access to good things of life.

Human Rights :

Human rights are common to all, the values of human rights are inherent in human nature therefore they are universal and invisible. They are minimal rights which have come to be accepted as basic freedoms of the individual. They are interdependent and inalienable freedoms of the individuals. Unless those rights are protection neither the full development of the human personality can be achieved nor the true democracy can be said to exist. Hence, human rights are given under chapter III and chapter IV of Indian constitution those are enforceable and fundamental in the governance of the country respectively.

In the modern understanding of human rights, human being possess certain basic and inalienable rights which have got certain features. They are :-

- (1) They are the rights of individuals or a group of individuals and enforceable for and against the state by them.
- (2) Human being rested in them by birth and they have permanent, universal and legal effect in all walks of life.
- (3) They are meant to uphold human dignity, equality and to set forth liberty and fraternity to all.
- (4) Human beings in society are protected and enforced by the authority of society or the state of all levels as human rights are minimum requirement for their survival.

Women, children, schedule castes and schedule tribes, Indigenous people, disable persons workers etc. are covered under the group of vulnerable sections of the society. There are many legislations which provide safety measures and promote health and welfare of workers employed in factories and prohibits employment of children and women is hazardous and dangerous machinery. Beside, workers' rights are also recognized and guaranteed under the constitution.

In the Indian context, social justice is justice and inter-class relations and in access to social opportunities. Protection of the weak against exploitative or competitive power of the strong in one of its major concerns. Social and economic life of the people.

Thus the concept of social security, social justice and human rights are interconnected with each other. They are supplementary and complementary to each other. Social

security is both a concept as well as a system. It reprojects basically a system of protection of individuals such as retirement, resignation, retrenchment, death, disablement etc. It is infact a public measures against the economic and social distress that otherwise is caused by the stoppage or, substantial reduction of earnings resulting from sickness maternity, employment injury, occupational disease unemployment, invalidity, oldage and death. So it can be said that social security organized on a form and sound basis will promote progress of people who are deprived of the minimum living.

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